MONTANA
STATE
LIBRARY

This "cover" page added by the Internet Archive for formatting purposes

S
307.1
I9MPNB
MAR 1975
1

MONTANA

Planning Newsletter

Montana State Library
3 0864 1004 3365 8

5 SHELVED WITH PERIODICALS

MAR 24 1975

March, 1975

EDITORIAL

"The Last Settler Syndrome"

It appears that a fair number of Montanans are afflicted with a malady which has been identified by Dr. Kenneth Boulding as the "last settler syndrome." Dr. Boulding, an economist/philosopher and admitted eccentric at the University of Colorado, has identified the syndrome and noted its epidemic levels along the front range of the Colorado Rockies, particularly in the Denver metropolitan area. In Montana, the syndrome is characterized by a collection of symptoms which, the patient declares, stem from his unselfish concern for society, environment, life styles, quality of life, etc. The symptoms are most prevalent among those who just got here in order to save us from others getting here and among those who arrived a few years ago when it was still acceptable to immigrate.

Syndrome sufferers can be readily identified by their frequent verbalization of the concept that only one party to a debate has a "life style" and that happens to be the party who is here. The Trespasser is simply one who wanders aimlessly trying to improve his own life style. Coupled with this benevolent attitude is another inherent in the syndrome sufferer and that is his absolute right to change (improve) his own life style when it is within his means and otherwise desirable; e.g., sell the ranch and buy a condominium in Florida or spend the winter in Arizona (delightful for the Arizona developer and painful for the Arizona rancher, both being enthusiastic defenders of their respective life styles).

It may be that the last settler syndrome reflects a philosophy which is, at once, virtuous, liberal and imperialistic. It should be of some significance to all of us that such an unholy combination of values lurks behind the euphonious, oft-repeated plea to "protect our life style."

Hal Price

IN THIS ISSUE...

Editorial
Potpourri
Legal Briefs
Around the State
Legislative Highlights
District Council Corner

LEGAL BRIEFS

A recent Montana Supreme Court decision has radically limited the power of counties to adopt interim or "emergency" zoning resolutions under section 16-4711, R.C.M., 1947. The Court, in Bryant Development Association v Ted Dagel et al (No. 12825, Feb. 21, 1975) has held that interim zoning is subject to the notice and hearing requirements contained in section 16-4705, which in the past has been applied only to the adoption of permanent zoning resolutions. In addition to establishing adoption procedures which cannot be satisfied in less than six weeks, this section provides that if forty percent of the property owners within a zoning district protest the proposed zoning regulations, they may not be imposed on the district.

The historical purpose of interim or "emergency" zoning is to allow local governments to preserve the status quo during the preparation of comprehensive land use plans and thus prevent the untimely establishment of uses which would frustrate planning efforts before they can be completed and implemented. The Bryant decision defeats this purpose and effectively repeals section 16-4711 by imposing a hearing and notice requirement on what is of necessity a summary authority.

The Planning Division views Bryant as a major setback for land use planning in Montana which will impede any future attempts of counties to guide their destinies.

MONTANA STATE LIBRARY
930 East Lyndale Avenue
Helena, Montana 59601

LEGISLATIVE HIGHLIGHTS

A follow-up on last month's legislative report shows the following:

1. HB68 and HB377 (amending the Greenbelt law) have been killed. HB488, redefining agricultural lands, is in the Senate Agriculture Committee;

2. HB76, permitting city, city-county and county planning boards to form joint or consolidated planning boards by inter-local agreement is in the Senate Local Government Committee;

3. HB74, providing for taxation of rural subdivisions for fire protection is still in the House Local Government Committee;

4. HB143, which provides for procedures for emergency interim zoning in cities and towns is in the Senate Local Government Committee;

5. HB319, requiring a statewide land and water resources inventory and placing a four-year moratorium on agricultural land subdivision, is in the Senate Agricultural Committee;

6. HB341, providing for conservation easements, is in the Senate Natural Resources Committee;

7. HB369, amending the definition of "subdivision" in the Health Department's law, is in the Senate Natural Resources Committee. SB227, also amending the Health Department's definition of "subdivision" to coincide with the definition in the "Montana Subdivision and Platting Act", is in the House Local Government Committee;

8. HB374 has passed second reading in House; places a penalty tax on profits from land transactions realized within less than a six-year period;

9. SB9, increasing from 40% to 60% the number of persons residing within a zoning district necessary to defeat county zoning, has been killed in the Senate;

10. SB40, providing that a city zoning ordinance creating a Board of Adjustment may limit the variance granting authority of the board has been signed by the Governor;

11. SB49, amending the state's full disclosure law on land sales to include subdivisions within Montana has been killed;

12. SB65, providing for the designation and preservation of prime agricultural land has been killed;

13. SB270, allowing further division of land within platted subdivisions without survey or public review--killed;

14. SB272, giving governing bodies more direct control over the activities of commissions, districts, boards or agencies organized or appointed by the governing body--killed;

15. HB652 & HB666, amending the "Montana Subdivision and Platting Act" are in the Senate Natural Resources Committee;

16. SB326 & SB391, creating land use commissions and providing for planning for and regulation of areas of state concern--killed in Senate;

17. HB675, establishing a process for developing and implementing a state growth policy and for identifying and regulating areas of state concern--still in House.

FURTHER INFORMATION ON STATUS OF BILLS CAN BE OBTAINED BY CALLING TOLL FREE 800-332-3408

POTPOURRI

Questionnaire...

A questionnaire to determine the status of local planning in Montana is currently being drawn up by the division for distribution to planning board members and local government officials. In view of the recent debates in the state legislature concerning local control of planning, the necessity of gathering accurate information setting out the progress of city and county planning the past five years and the development of objectives have been strongly felt. Realizing questionnaires are at best time-consuming and often troublesome, we apologize for this one and at the same time we hope respondents will recognize the importance of the survey and answer questions as accurately as possible.

Reminder...

Serious air pollution problems in the past have been caused by the burning of slash from

timber clearing and road construction. With the spring and summer construction season approaching, the Air Quality Bureau of the Department of Health has asked that we include in our *Newsletter* a reminder to local planning boards that Montana's Clean Air Act requires a permit from the Air Quality Bureau prior to attempting to dispose of slash by burning. The regulation strives to assure that burning will take place during weather conditions which will allow good smoke dispersion and that fires will be properly attended with adequate fire control available. In most counties burning permits are attainable from either the county sanitarian or sheriff. For further information, contact the Air Quality Bureau in Helena. Phone 449-3454.

Handbook...

Complimentary copies of The Montana Subdivision Handbook have been mailed to mayors, county commissioners, county clerks and recorders, county attorneys and planning board members. The handbook should serve as a useful guide to local officials responsible for regulating subdivisions. It discusses the objectives of subdivision regulation, the review process under Montana's subdivision law, and basic concepts of subdivision design.

Distribution of the handbook was delayed because of the precedence of legislative bills which tied up the state printing office. Additional copies are available from the division at $1.00 each.

U.M.T.A. Funds...

The Planning Division is accepting applications for capital equipment funds under the Urban Mass Transit Act grants program for the elderly and handicapped. This program makes available $144,000 to Montana for use in urban areas with populations of 5,000 or more to provide small capital grants ($5-10,000) to private, non-profit corporations for the purchase of buses, shelters, special lifts, etc., to serve the transportation needs of the elderly and handicapped.

For further information regarding this program, contact Joe Wilson at 449-3757.

208 Planning Studies...

Section 208 of the 1972 Federal Water Pollution Control Act Amendments (P.L. 92-500) allows local areas the opportunity to plan a comprehensive program based on integrated planning and control over municipal and industrial wastewater, storm and sewer runoff, nonpoint pollution and land use as relates to water quality, and presents a unique opportunity to reverse the trend of federally-managed programs by securing local input and control from the onset.

In Montana, three areas have applied for and will receive Governor Thomas L. Judge's designation to E.P.A. as 208 Planning Areas. District No. 7, encompassing the counties of Sweet Grass, Stillwater, Yellowstone, Big Horn and Carbon, has applied as the Middle Yellowstone Areawide Planning Organization; in District 10, Flathead and Lake Counties, along with the Confederated Salish and Kootenai Tribes, have formed the Flathead Drainage 208; and Treasure, Rosebud, Custer, Fallon, Powder River and Carter Counties, comprising District No. 3, have applied as the Yellowstone-Tongue A.P.O. The Cheyenne and Crow Tribes are also participating in 208 studies.

Under the Act, the study must be completed within two years; it is 100% federally funded and local government controls the project, making the study more effective by serving local needs.

M.A.P. Meeting...

Approximately 50 persons attended the Montana Association of Planners meeting held here in Helena March 6-7 at the Travelodge. After election of officers, outgoing President, Byron Roberts, turned over the gavel to John Crowley, Director of the Missoula City-County Planning Board; Vice President duties held by John Mooney during the past year went to Pete Lenmark, Director of the Helena planning staff; and Karyn Robb of the Missoula staff was elected to the office of Secretary-Treasurer, previously held by Charleen Duke.

Featured speakers during the conference were Robert Einsweiler, National President, American Institute of Planners (AIP), who highlighted the banquet gathering; Evan Denney, Associate Professor, University of Montana, guest luncheon speaker; Larry Gallagher, Helena Community Development Director, presenting an excellent slide production of the urban renewal area in downtown Helena; and Kenneth Rainey, of the Academy for Contemporary Problems, Columbus, Ohio, whose timely visit to Helena to address another group enabled M.A.P. to literally "drag him off the streets" as a surprise speaker, to the welcome delight of the membership.

INTER GOVERNMENTAL RELATIONS

Montana's planning & local affairs agency.

DIVISION OF PLANNING
DEPARTMENT OF INTERGOVERNMENTAL RELATIONS
Capitol Station (406)449-3757
Helena, Mt. 59601

Return Postage Guaranteed
Address Correction Requested

Bulk Rate
U.S. Postage
PAID
Permit No. 2
Helena, Mt.
59601

DD2010
STATE LIBRARIAN
MONTANA STATE LIBRARY
DEPT OF EDUCATION
CAPITOL STATION
DEADHEAD

The next M.A.P. meeting is tentatively scheduled to be held in conjunction with the annual gathering of the Association of Montana Planning Boards early June.

New Programs for Old Problems...

To a lot of Montanans, it must appear that planners are in a never-ending whirl over such issues as subdivision regulations, areas of statewide concern, and problems caused by more and more people living, working and playing in urban areas. But though the problems caused by man's desire to gather in large concentrations are noteworthy and necessarily deserving of a planner's attention and study, the problems associated with the thousands of people residing in smaller towns and communities throughout Montana are also of vital concern.

Difficulties faced by small town Montana residents may be different, but are no less difficult than those faced by urban dwellers, and perhaps the single greatest difficulty confronting rural Montana is out-migration due to lack of opportunity and the breakdown of traditional farming techniques.

Aware of the problems occurring in rural Montana, the division is endeavoring to develop programs which are aimed toward helping solve the dilemmas at the local level.

AROUND THE STATE

The Planning Division's Eastern Montana field office in Glendive, manned by Art Tackett prior to his taking another position in Idaho, is now under the direction of Stanley R. Steadman, former Planning Director of the Bozeman City-County Planning Board. Stan has a bachelor's degree in Business Management from Brigham Young University and has completed his course work for a Master's in Urban Affairs from Northern Illinois University in DeKalb. Prior to his joining the Bozeman staff in 1972, Stan was a Planning Aide in Deerfield, Illinois. He is well know to Montana planners and is welcomed as an affable addition to the Planning Division.

DISTRICT COUNCIL CORNER

An $11,000 grant from the Department of Health and Environmental Sciences for the development of a five-county alcoholism plan has been received by District No. 1 Provisional Council. Ron Hjelmstad has been retained as the Alcoholism Planner for the project, according to President Clark Tousley.

- - -

District No. 6 Council's application for funding under the Housing and Community Development Act of 1974 has been turned down. It is hoped that efforts for better coordination in the future will result in a successful application.

Publication of this Newsletter is financed in part by a 701 grant from the Department of Housing and Urban Development.

MONTANA
STATE
LIBRARY

This "cover" page added by the Internet Archive for formatting purposes